

**PATENT APPLICATION
DOCKET NO. 1039-0014****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED
CENTRAL FAX CENTER
NOV 16 2004**

In re patent application of:

Russell P. Blink, et al.

Serial No.: 09/882,457

Filed: May 17, 2002

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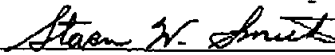
Art Unit: 3627

Examiner: Joseph A. Fischetti

For: MULTI-FUNCTION CUSTOMER SATISFACTION SURVEY DEVICE

VIA FAX: 703-872-9306Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING OR TRANSMISSION**

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Date: December 5, 2004
Steven W. Smith**RESPONSE TO RESTRICTION REQUIREMENT**

Responsive to the November 26, 2004 restriction requirement in the above-identified application, the Applicants hereby provisionally elect, with traverse, Group I for continued prosecution in this application. Claims 8, 10, 11, and 13-19 are readable on the elected group and species.

The Examiner stated that Group II (claim 24) is patentably distinct because the process as claimed can be practiced by another materially different apparatus. In particular, the Examiner stated, "In this case, the process can be practiced by hand by writing remarks on a card and fastening same to a tray." The Applicants respectfully disagree.

Claim 24 clearly states that after utilizing a plurality of tip trays to obtain and store responses from a plurality of customers regarding the level of customer satisfaction, the plurality of tip trays are

*Received in CF
12-9-04*

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stacked on a base unit so that a data receptacle on a bottommost tray aligns with a data pin on the base unit, and a data receptacle on each higher tray in the stack aligns with a data pin on a lower tray stacked directly below. Claim 24 then recites *collectively downloading* by the base unit, the stored customer responses from *all* of the stacked trays. This has to be done electronically, just as it is done in the claims in Group I. It is impossible for the base unit to *collectively download* the stored customer responses from *all* of the stacked trays if the customer responses are written by hand on cards attached to each tray.

Thus, the process as claimed cannot be practiced by another apparatus that is materially different from the apparatus recited in Group I. Therefore the withdrawal of the restriction requirement and the continued prosecution of claim 24 is respectfully requested.

A complete list of pending claims begins on page 3 of this paper.